

### **REMARKS**

This Amendment cancels claims 2 and 14 and amends claims 1, 12, and 13 in accordance with the original disclosure. Support for the amendments to claim 1 is found, for example, in canceled claims 2 and 14. Claims 1, 3, 5, 7-13, and 15 remain in this application.

#### **Claim Rejections**

Claims 1, 3, 5, 7, 8, 10-13, and 15 stand rejected under 35 U.S.C. § 103(a) for obviousness over the teachings of U.S. Patent No. 6,050,770 to Avitan in view of U.S. Patent No. 4,354,568 to Griesenbrock. Claims 2, 9, and 14 stand rejected under 35 U.S.C. § 103(a) for obviousness over the teachings of Avitan and Griesenbrock in view of U.S. Patent No. 4,520,443 to Yuki et al. (hereinafter "Yuki").

As set forth above, Applicants have canceled claims 2 and 14 and have added the limitations therefrom into independent claim 1. Therefore, the patentability of the pending claims based on the Avitan, Griesenbrock, and Yuki combination will be discussed.

Claim 1, as amended, is directed to an industrial truck comprising a plurality of wheels, a load lifting system, a drive system, and a stabilizing device configured to prevent tipping of the truck. The stabilizing device comprises a plurality of wheel load sensors, each load sensor connected to an individual wheel and configured to measure a wheel load. The load sensors are connected to a monitoring device configured to control or regulate at least one of the load lifting system and the drive system of the truck based on wheel load sensor data. At least two wheels of the truck have a speed-of-rotation sensor connected to the monitoring device. The truck includes a front axle and at least one wheel on the front axle of the truck has a wheel bearing with an integrated wheel load sensor. The monitoring device is connected with actuator units for at least one of inclination of a lifting mast, adjusting the height of a load, adjusting vehicle speed, adjusting vehicle acceleration, adjusting braking intensity, and adjusting steering angle. The monitoring device includes an evaluation unit configured to determine at least one of transverse tipping forces, longitudinal tipping forces, tipping movements, and load weight.

Avitan discloses a stabilization system having a rear steer wheel 34 with an annular weight load transducer 86 that generates a signal indicative of the axial weight load of the rear wheel. Avitan broadly discloses weight sensors in connection with one or more

vehicle wheels to sense an approaching condition in which the wheel is about to be lifted from a roadway.

Griesenbrock discloses a vehicle 1 having steerable wheels 2 and 3 and non-steerable wheels 6 and 7. Speed sensors 8 and 9 are associated with the non-steerable wheels 6 and 7. The speed sensors 8 and 9 are connected to a comparator 10.

Yuki discloses a control device for an unloading mechanism for a truck. The Yuki device includes a load sensor 106 to detect the weight of a load carried by the truck in order to correct for horizontal positioning of the fork in accordance with the amount of bending of the upright and/or the fork due to the weight of the load (Yuki at column 7, lines 60-66).

Firstly, Applicants believe the Examiner is simply selecting unrelated bits and pieces from the various cited references using Applicants' application as a template to take the selected pieces and recombine them in a manner not taught by the references themselves. Applicants do not contend that they are the first to invent the specific components of the invention. Rather, it is the claimed combination of these components which Applicants have developed and which provides Applicants' invention with the advantages over the prior art discussed in the pending specification. While the cited references may disclose one or more of the specific components of Applicants' invention, there is no teaching or suggestion in the cited references themselves to combine these components, as the Applicants have done, to arrive at the claimed invention.

Additionally, on page 3 of the Office Action, the Examiner argues that Avitan discloses in column 5, lines 64-65 that the load weights at each of the vehicle wheels 30, 32, 34 have been measured. Therefore, the Examiner concludes that it is obvious that there is a wheel load sensor integrated into the vehicle wheels so that the load weights at each of the vehicle wheels have been measured. Applicants respectfully disagree. Just because a wheel load has been measured, does not necessarily mean that it was measured by an integrated wheel load sensor. Such wheel loads could be measured in many ways. For example, in the pending specification at page 3, lines 11-15, an alternative way of measuring a wheel load is a so-called "proximity sensor", which measures the distance of the vehicle to the road or floor.

Further, none of the cited references, either alone or in combination, fairly teaches or suggests the combination of amended independent claim 1, which further includes

a monitoring device connected with actuator units for the lifting mast, load height adjustment, vehicle speed, vehicle acceleration, braking intensity, or steering angle coupled with an evaluation unit to determine transverse tipping forces, longitudinal tipping forces, tipping movements, and load weight. While the Examiner contends that such limitations are obvious from the Avitan, Griesenbrock, and Yuki references, Applicants do not believe this combination of limitations would be obvious without the use of Applicants' application as a template. It is the Examiner that is making such a combination based on Applicants' application and not based on the teachings of the references themselves.

Therefore, for all of the above reasons, claim 1, as amended, is believed patentable over the cited prior art and in condition for allowance. Reconsideration of the rejection of claim 1 is respectfully requested.

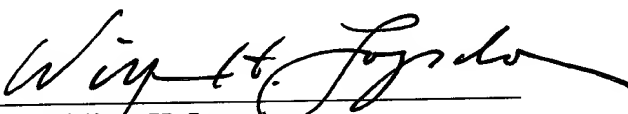
Claims 3, 5, 7-13, and 15 depend either directly or indirectly from, and add further limitations to, claim 1. Since these claims depend from a claim believed to be in condition for allowance, these claims are also believed to be in condition for allowance.

#### Conclusion

In view of the above amendments and remarks, reconsideration of the rejections and allowance of claims 1, 3, 5, 7-13, and 15 are respectfully requested.

Respectfully submitted,

THE WEBB LAW FIRM

By 

William H. Logsdon  
Registration No. 22,132  
Attorney for Applicants  
700 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219-1818  
Telephone: (412) 471-8815  
Facsimile: (412) 471-4094  
E-mail: webblaw@webblaw.com